

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF

OCTOBER 26, 2001

(Published November 3, 2001,
in *Finance and Commerce*)

Room 132 City Hall
250 South 5th Street
Minneapolis, Minnesota
October 26, 2001 - 9:30 a.m.

Council President Cherryhomes in the Chair.

Present - Council Members Lane, Johnson, Thurber, Ostrow, Campbell, Biernat, Niland, Goodman, McDonald, Mead, Council President Cherryhomes.

Absent - Colvin Roy.

Campbell moved acceptance of the minutes of the regular meeting of October 12, 2001. Seconded.

Adopted upon a voice vote.

Campbell moved referral of petitions and communications and reports of the City officers to proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267374)

Bridgerail Properties LLC: Resolution authorizing final approval to issue bonds for new construction of building at E 26th St & Minnehaha Ave, for use by Allweather Roof, Inc.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267375)

2002 Federal Low Income Housing Tax Credits: Recommendation to preliminary reserve tax credits for Trinity Gateway Apartments, Near Northside, 3rd Ave Townhomes, Boulevard, Talmadge Green.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY DEVELOPMENT AGENCY, MINNEAPOLIS (MCDA) (267376)

Seward Place Industrial Park: Appropriation increase for removal of waste dirt pile.

Bridgerail, LLC: Authorize reciprocal agreement for Seward Place Industrial Park for storm water management.

Ivy Tower Project: Status report on development project of new office construction at 1115 - 2nd Ave S.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (267377)

Adult Placement Agencies: Issue amended Fund Availability Notices to seven agencies to provide full payment for good performance during the last program year.

Workforce Training Coordination Plan for Metropolitan Area: Execute contract with Greater Minneapolis Chamber of Commerce to draft plan.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (267378)

Twin Cities Healthy Start Project: Accept grant award of \$50,000 from United States Department of Health & Human Services to hire a health educator to develop culturally specific curricula; Approve appropriation; and Add 1.0 grant funded Full-Time Equivalent Health Educator position, with applicants being informed that continued funding of position is contingent upon receipt of grant funds.

Curfew Truancy Center: Receive \$50,000 in federal Juvenile Accountability Incentive Block Grant funds and execute contract with State of Minnesota; and Approve appropriation.

INTERGOVERNMENTAL RELATIONS:

ASSOCIATION OF METROPOLITAN MUNICIPALITIES (267379)

Legislative policies proposed for 2002: Municipal revenue & taxation, General legislation, Housing & economic development, Metropolitan agencies, & Transportation.

LEAGUE OF MINNESOTA CITIES (267380)

Legislative Policies proposed for 2002: Improving fiscal futures, Improving local economies, Improving service delivery, Human resources & data practices, Electric restructuring; Racial profiling.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

INSPECTIONS DEPARTMENT (267381)

Raze Properties: 5329 6th St N; 3700 Stevens Av S; 1419 Washington Av N; 400 31st Av N.

LICENSES AND CONSUMER SERVICES (267382)

Licenses: Applications.

POLICE DEPARTMENT (267383)

Community Crime Prevention/SAFE Analysis: Send forward to the Police Department the report entitled "Proposal for a New Direction for the Minneapolis Police Department's Community Crime Prevention/Safety for Everyone Program" with direction to carry out recommendations and to report back to Committee as soon as possible.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (267384)

Lowry/Emerson Police Substation: Accept grant of \$20,000 from Hawthorne Neighborhood Revitalization Program to support substation until December 31, 2001; and Approve appropriation.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (267385)

Nicollet Mall Improvement, Maintenance and Operation Budget, Payable 2002: Adopt assessments and assessment roll.

Water and Sewer Service Line Repairs or Replacements: Adopt assessments and assessment rolls.

Seward Neighborhood Transportation Plan: Approve parking and traffic changes.

Snow Emergency Routes: Establish new routes.

Equipment Services Information System: Increase contract with Control Software, Ltd for project scope changes.

Water Works 34 Million Gallon Reservoir Project: Increase contract with Knutson Construction Services for additional services.

Water Works SCADA Project: Increase contract with EMA Services.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (267386)

Communications Antennae: Amend contract with Nextel West Corporation to allow for placement of three additional antennae to the Leamington Municipal Ramp.

Farmer's Market Roof Replacement Project: Appropriate funds contributed by Central Minnesota Vegetable Growers.

PURCHASING (267387)

Bids: Accept OP #5712, low bid of Lametti & Sons, Inc. for cured in place pipe lining; OP #5726, low bid of Belair Excavating for disposal of excavated soils; OP #5729, bid of Mooney & Company, Inc. to accomplish decorative pole lighting on the Nicollet Mall.

WAYS AND MEANS BUDGET:

CONVENTIONCENTER (267388)

Convention Center Expansion Project: Receive & File change management actions; and construction budget.

COORDINATOR (267389)

New Central Library Project: Receive & File interim library location (at Marquette Plaza, the former Federal Reserve Bank Building).

CULTURAL AFFAIRS (267390)

Office of Cultural Affairs Three Year Work Plan: Receive & File.

City Arts Grants Program: Receive & File revisions to program (formerly known as the Neighborhood Arts Program).

FINANCE DEPARTMENT (267391)

Travel Expenses: Receive & File Third Quarter 2001 Report.

PURCHASING (267392)

Staff Purchasing Reports: Receive & File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (267393)

Settlements: Authorize payment to Chad Carlson, Paul Dawson; State of Minnesota; Sue Rheingans, Martin Lavelle.

CONVENTIONCENTER (267394)

Convention Center Expansion Project: Change orders to contracts with Twin City Acoustics, Inc.; Harris Mechanical (2).

CONVENTIONCENTER (267395)

Convention Center Restructuring: Authorize transition of a .6 FTE sales staff position to Greater Minneapolis Convention & Visitors Association.

FINANCE DEPARTMENT (267396)

Space and Asset Management Policy and Procedures Manual: Approve.

Workers Compensation Settlement: Agreement with Thomas Ghil.

HUMAN RESOURCES (267397)

Medicare Supplement Plans: Renew HealthPartners and UCare Minnesota Senior Plans and replace Medica Senior Secure Plan with Physicians Health Plan Plus Medicare Senior Plan.

PURCHASING (267397.1)

Bid: OP #5724, accept low bid of Swanson & Youngdale, Inc.

ZONING AND PLANNING:

INSPECTIONS/ZONING ADMINISTRATOR (267398)

Quality Auto Body (Gail Lindgen), 3452 Lyndale Av S: Notice of hearing to determine whether site plan permit should be revoked.

ZONING AND PLANNING (See Rep):

HERITAGE PRESERVATION COMMISSION (267399)

Arts Avenues Properties, Inc (Steve Frenz), 214-220 E 19th St: Grant appeal re Certificate of Appropriateness for replacement windows; Staff report with recommendation, photos; Minutes; Notice of appeal.

INSPECTIONS/BOARD OF ADJUSTMENT (267400)

Groslund, Donald, 2819-2823 Dupont Av S: Grant appeal for garage variance; Staff report with recommendation, maps, drawings, photos; Minutes.

Waldo, Denise, 1409 E River Parkway: Grant appeal for fence variance; Staff report with recommendation, map, photos, drawing; Minutes.

PLANNING COMMISSION/DEPARTMENT (267401)

American Iron and Supply, 2800 Pacific St N: Planning Comsn: Deny appeal of Mary Jamin Maguire; Notice of appeal & reasons therefor; Minutes; Staff report on applications for site plan review, etc, to permit metal shredder, with recommendations & findings, summary of settlement agreement with City; Minnesota Pollution Control Agency permit; Letter from Minnesota Department of Natural Resources; Maguire, Mary Jamin: Written comments. Bottineau Neighborhood Association: comments. Kahn, Representative Phyllis: Letter from counsel for Svedala Industries.

Council Member Lisa McDonald: Memo from St Anthony West Neighborhood.

PLANNING COMMISSION/DEPARTMENT (267402)

Hakimi, Ramin, (Oscar Auto Body) 2827 1st Av S: Approve vacate alley bound by 1st & Stevens Aves S & 28th & 29th Sts E; staff report with recommendation & findings.

Minneapolis Urban League, 3805, 3809, 3813 4th Av S: Approve rezone; Staff report with recommendation & findings, maps, drawings, photos.

Brighton Development, 3212 4th St SE: Approve rezone; Staff report with recommendation & findings, maps, drawings, photos.

Cintias of Mexico Restaurant & Bar (Bahman Razmpour), 6042-50 Nicollet Av S: Approve rezone parking lot at 6015 Blaisdell; Staff report with recommendation and findings, maps, drawings, photos. Planning Comsn report of actions of 10/9/01.

PLANNING COMMISSION/DEPARTMENT (267403)

Minneapolis Eagle, 515 Washington Av S: Deny appeal of Ed Hopkins; Staff report with recommendations & findings, maps, drawings, photos; Minutes; Reason for appeal.

Midwest Market & Halaal Meats, 1920 Portland Av: Planning Comsn: Deny appeal of Kevin Tharp & Franklin Av Development; Staff report with recommendations & findings, maps, drawings; Notice of appeal & reasons therefor; Minutes.

Council Member Lisa McDonald: Comments of Bruegers Bagels.

COMMITTEE OF THE WHOLE:

MAYOR (267404)

Emergency Preparedness: Presentation materials.

NEW BUSINESS (See Rep):

COORDINATOR (267405)

Near North Redevelopment Project: Execute contract with Bassett Creek Partners LP for \$980,000 in federal Empowerment Zone funds.

FILED:

CITY CLERK/SPECIAL PERMITS (267406)

1st Av N, 600 (Target Center) circus animals.

**REPORTS OF
STANDING COMMITTEES**

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee, having under consideration allocation of 2002 Federal Low Income Housing Tax Credits, administered by the Minneapolis Community Development Agency (MCDA), acting on behalf of the Minneapolis/St. Paul Housing Finance Board, and having received 15 proposals requesting a total of \$3,565,175 in tax credits, as described and ranked in the staff report contained in Petn No 267375, now recommends approval to preliminarily reserve housing tax credits for the following projects:

- a) Trinity Gateway Apartments, 1805 E Lake St, in the amount of \$194,390;
- b) Near Northside, located at Olson Hwy and Lyndale Ave, in the amount of \$157,470;
- c) 3rd Avenue Townhomes, 3806-16 - 3rd Ave S, in the amount of \$132,210; and
- d) Talmadge Green, 1010-58 - 11th Ave SE, in the amount of \$238,513.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee recommends passage of the accompanying resolution increasing the Minneapolis Community Development Agency (MCDA) appropriation in Fund CAZ0 (Common Project) by \$450,000 from MILES funds for removal of the waste dirt pile in the Seward Place Industrial Park, as set forth in Petn No 267376.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2001R-454
By Niland and Campbell

Amending The 2001 Minneapolis Community Development Agency Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in Fund CAZ0 - Common Project by \$450,000 from available MILES fund balance.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001. J. Cherryhomes, President of Council.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Bridgerail LLC proposal to construct a 46,300 square foot office/warehouse facility at 26th St E between Minnehaha and Hiawatha Aves for use by AllWeather Roof, and the requirement to create a storm water management plan for the Seward Place Industrial Park, now recommends that the proper Minneapolis Community Development Agency (MCDA) and/or City officers be authorized to enter into a Joint Storm Water Management Agreement with Bridgerail, LLC.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the MCDA.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Comm Dev & W&M/Budget - Your Committee, having received a status report from the Minneapolis Community Development Agency (MCDA) relating to the Ivy Tower project, which proposal and request for public assistance was received from Ivy Tower Minneapolis LLC for a real estate development consisting primarily of 250,000 square feet of new office construction incorporating the historic restoration of the Ivy Tower, 1115 - 2nd Ave S, now recommends that the exclusive rights to negotiate a redevelopment agreement be extended six months, to June 30, 2002, and that this recommendation be forwarded to the MCDA Board of Commissioners.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** Committee submitted the following reports:

H&HS - Your Committee recommends that the proper City Officers be authorized to issue the following amended Fund Availability Notices (FANs) to provide full payment to Adult placement agencies that had good performance during the last program year, July 1, 2000 through June 30, 2001, payable from Health & Family Support:

a. FAN #E7-2a, under Master Contract #10013, to RESOURCE, for an increased amount of \$16,380 (030-860-8600);

b. FAN #E7-2a, under Master Contract #10018, to Hmong American MAA, for an increased amount of \$1,575 (030-860-8600);

c. FAN #E7-1a, under Master Contract #15622, to SEARCH, for an increased amount of \$6,000 (030-860-8600);

d. FAN #E8-1a, under Master Contract #14855, to Goodwill/Easterseals, for an increased amount of \$4,370 (040-860-8600);

e. FAN #E8-1a, under Master Contract #14764, to GMCC Division Indian Works, for an increased amount of \$1,140 (040-860-8600);

f. FAN #E8-1a, under Master Contract #10018, to Hmong American MAA, for an increased amount of \$6,300 (040-860-8600);

g. FAN #E8-1a, under Master Contract #15622, to SEARCH, for an increased amount of \$7,610 (040-860-8600).

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

H&HS - Your Committee recommends that the proper City Officers be authorized to execute a contract with the Greater Minneapolis Chamber of Commerce, in the amount of \$50,000, to draft a workforce training coordination plan for the metropolitan area. Said contract shall be for the period October 15, 2001 to March 31, 2002, payable from Health & Family Support (030-860-8600).

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee, having under consideration the Twin Cities Healthy Start Project, now recommends the following:

a. that the proper City Officers be authorized to accept a grant award of \$50,000 from the United States Department of Health & Human Services, Office of Minority Health; said grant is the first year of a two-year grant award to hire a health educator to develop culturally specific curricula on topics of prenatal care, child birth, infant development, and parenting education, along with training persons to facilitate group education activities at community based agencies affiliated with the Project.

b. passage of the accompanying Resolution appropriating \$50,000 to the Health & Family Support Agency to reflect receipt of said grant funds; and

c. authorization to add 1.0 Full-Time Equivalent, grant funded Health Educator position to the Department of Health & Family Support, with applicants being informed that continuation of the position is contingent on the receipt of grant funds.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2001R-455

By Lane and Campbell

Amending The 2001 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8624) by \$50,000 and increasing the Revenue Source (030-860-8624 - Source 3210) by \$50,000.

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001. J. Cherryhomes, President of Council.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

H&HS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to receive \$50,000 in federal Juvenile Accountability Incentive Block Grant funds and execute a contract with the State of Minnesota to support the Curfew Truancy Center during the period October 1, 2001 through September 30, 2002.

Your Committee further recommends passage of the accompanying Resolution appropriating \$50,000 to the Health & Family Support Agency to reflect receipt of said grant funds.

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2001R-456
By Lane and Campbell

Amending The 2001 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Health & Family Support Agency in the Grants - Other Fund (060-860-8605) by \$50,000 and increasing the Revenue Source (060-860-8605 - Source 3210) by \$50,000.

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001. J. Cherryhomes, President of Council.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, adding sections relating to business standards, responsibilities and practices of business license holders and the declaration of problem businesses and the means to deal with them, now recommends that said ordinance be given its second reading for amendment and passage.

Your Committee further recommends summary publication of the above-described ordinance.

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-121 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, adding a new Section 259.250 to establish management responsibilities for businesses licensed by the City of Minneapolis. License holders must comply with requirements regarding security, lighting, conduct on premises and accessibility to maintain license eligibility. Failure to comply with the standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of a license or permit. Said ordinance was passed October 26, 2001 by the City Council and approved November 1, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2001-Or-121
By Biernat
Intro & 1st Reading: 6/8/2001
Ref to: PS&RS
2nd Reading: 10/26/2001

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 259 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 259.250 to read as follows:

259.250. Business license management responsibilities. The following minimum standards and conditions shall be met in order to hold a license, provisional license or permit under Titles 13 and 14 of this Code. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation or suspension of said license or permit.

(1) It shall be the responsibility of the licensee to take appropriate action to prevent further violations following conduct by any persons on the business premises, including parking areas, in violation of any of the following statutes or ordinances:

- a. Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling.
- b. Minnesota Statutes, Sections 609.321 through 609.324, which prohibits prostitution and acts relating thereto.
- c. Minnesota Statutes, Sections 152.01 through 152.025 or Section 152.027 subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances.
- d. Minnesota Statutes, Sections 617.23 through 617.241, which prohibits indecent exposure and the exhibition and distribution of obscene materials or performances.
- e. Minnesota Statutes, Section 609.33 or Section 385.170(b)(1) of this Code, which prohibit owning, operating, managing, maintaining or conducting a disorderly house, and inviting or attempting to invite others to visit or remain in a disorderly house.
- f. Section 389.65 of this Code, which prohibits noisy assemblies.
- g. Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibits the unlawful possession, transportation, sale or use of a weapon.
- h. Minnesota Statutes, Section 609.72 and Section 385.90 of this Code, which prohibits disorderly conduct.
- i. Sections 385.50 and 385.80 of this Code, which prohibit lurking and loitering.
- j. Minnesota Statutes, Sections 609.74 and 609.745, which prohibit public nuisance and permitting a public nuisance.
- k. Minnesota Statutes, Sections 609.50, which prohibits obstructing legal process, arrest, or firefighting.
- l. Any other criminal activity arising out of the conduct of the business.

(2) It shall be the responsibility of the licensee to maintain and operate the business in compliance with all applicable laws and ordinances, including the zoning, fire, environmental health, environmental management, license, food, liquor, housing and building codes.

(3) The licensee is directly and vicariously responsible for any violations on the premises, including parking areas, by any employees, independent contractors, other persons hired by the licensee, or otherwise under the supervision or management of the licensee.

(4) It shall be the responsibility of the licensee to provide adequate security to prevent criminal activity, loitering, lurking and disorderly conduct on the business premises, including parking areas.

(5) A licensee shall be required to pay all delinquent court judgments arising out of their business and business operations.

(6) Areas of the premises that are not regularly monitored by employees or security shall not be accessible to patrons, customers, or the public.

(7) Vending and other unattended coin operated machines shall be in plain view of employees and shall not be operable during hours the business is not open to the public and in operation. Public pay telephones shall be operated in full compliance with Chapter 264 of this Code.

(8) Parking and other outdoor areas of the premises accessible to the public shall be illuminated at an intensity of at least two (2) foot-candles per square foot at eighteen (18) inches above ground level.

(9) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001. J. Cherryhomes, President of Council.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for liquor, wine and beer licenses:

Off-Sale Liquor, to expire October 1, 2002

Gawron's Liquors Inc, dba River Liquors, 2435 Marshall St;

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2002

Aramark Food Service Corporation, dba Target Center, 600 1st Av N (change in ownership from Ogden Food Service Corp, new shareholder/partner, new corporate officer, new manager);

City Center Hotel Ltd Partnership, dba Marriott City Center Minneapolis, 30 S 7th St;

On-Sale Liquor Class A with Sunday Sales, to expire October 18, 2001

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, October 18, 2001, 5:45 p.m. to 9:00 p.m. Minneapolis Institute of Arts);

On-Sale Liquor Class A with Sunday Sales, to expire October 19, 2001

International Catering Inc, dba Atrium Cafe, 275 Market St (temporary expansion of premises, October 19, 2001, 5:00 p.m. to 10:00 p.m. Minneapolis Institute of Arts);

On-Sale Liquor Class B with Sunday Sales, to expire October 1, 2002

Campus Partners Inc, dba Sally's, 712 Washington Av SE;

Temporary On-Sale Liquor

Ballet of the Dolls, dba Ballet of the Dolls, 726 Central Av NE (September 20, 2001, 5:30 p.m. to 10:00 p.m., Ritz Theater, 345 13th Av NE; Licensed Facilitator: Modern Cafe);

On-Sale Wine Class D with Strong Beer, to expire April 1, 2002

El Norteno Market & Deli, dba El Norteno Market & Deli, 4000 E Lake St;

Temporary On-Sale Beer

Lake Superior Water Trail Association, dba Outdoor Adventure Expo, 309 Cedar Av (November 8, 2001, 5:00 p.m. to 10:00 p.m.; November 9, 2001, 4:00 p.m. to 10:00 p.m.; November 10, 2001, 9:00 a.m. to 6:00 p.m.; and November 11, 2001, 11:00 a.m. to 5:00 p.m.).

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of October 26, 2001, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 267382):

Place of Amusement Class A; Place of Amusement Class B-1; Place of Amusement Class B-2; Building Contractor Class B; Cement Finishing Contractor; Concrete Masonry Contractor Class A; Dry Cleaning & Laundry Pickup Station; Place of Entertainment; Fire Extinguisher Servicing Class A; Fire

Extinguisher Servicing Class B; Food Distributor; Grocery; Food Manufacturer; Meat Market; Restaurant; Short Term Food Permit; Sidewalk Cafe; Gas Fitter Class A; Heating, Air Conditioning & Ventilating Class A; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Motor Vehicle Used Parts Dealer; Commercial Parking Lot Class A; Precious Metal Dealer; Antique Dealer Class B; Steam & Hot Water Systems Installer; Suntanning Facility; Swimming Pool - Public; Taxicab Vehicle; Theater Zone I; Theater Zone II; Theater Zone III; Tobacco Dealer.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee recommends granting the following applications for gambling licenses, subject to final inspection and compliance with all provisions of the applicable codes and ordinances:

Gambling-Lawful Class B

Roosevelt Booster Club, dba Roosevelt Booster Club, 4029 28th Av S (Site: Tooties on Lowry, 2706 Lowry Av N);

De LaSalle High School, dba De LaSalle High School, One De LaSalle Dr (Site: Mac's Sports Bar, 301 Central Av SE);

Roosevelt Booster Club, dba Roosevelt Booster Club, 4029 28th Av S (Site: U Otter Stop Inn, 617 Central Av NE);

Roosevelt Booster Club, dba Roosevelt Booster Club, 4029 28th Av S (Site: Cedar Inn, 4155 Cedar Av);

De LaSalle High School, dba De LaSalle High School, One De LaSalle Dr (Site: Halek's Bar, 2024 Washington Av N);

De LaSalle High School, dba De LaSalle High School, One De LaSalle Dr (Site: Broadway Pizza, 2025 W River Rd);

Roosevelt Booster Club, dba Roosevelt Booster Club, 4029 28th Av S (Site: Union Bar & Grill, 312 Central Av);

Roosevelt Booster Club, dba Roosevelt Booster Club, 4029 28th Av S (Site: Schooner Tavern, 2901 27th Av S);

Roosevelt Booster Club, dba Roosevelt Booster Club, 4029 28th Av S (Site: Sunrise Inn, 4653 34th Av S);

Gambling Lawful Exempt

Minnesota Visiting Nurse Agency, dba Minnesota Visiting Nurse Agency, 2021 E Hennepin Av (Raffle, November 16, 2001 at City Center, 30 S 7th St);

Theatre De La Jeune Lune, dba Theatre De La Jeune Lune, 105 N 1st St (Raffle, November 17, 2001);

Augsburg College, dba Augsburg College, 2211 Riverside Av (Raffle, October 26, 2001 at Hoverstein Chapel, 2211 Riverside Av);

Cystic Fibrosis Foundation, dba Cystic Fibrosis Foundation, 1611 W County Rd B #221, St. Paul (Raffle, November 7, 2001 at International Market Square, 275 Market St).

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Plumbing License held by Patrick Reilly, dba Reilly Plumbing, 1211 Englewood Av, St. Paul, and having received Findings of Fact, Conclusions and Recommendations after the licensee agreed to forgo a Technical Advisory Committee (TAC) hearing thereon for failure to obtain a permit when installing a water heater; for improperly installing a water heater; and for not complying with written violation orders by the due date, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. that the licensee agrees to pay an administrative fine, in the amount of \$500, for failure to comply with written orders, with \$300 being stayed pending there are no further violation of Minneapolis ordinances for a one-year period. Any written violation within one year will result in the fine being reinstated. The \$200 fine shall be payable by October 1, 2001.

b. the licensee agrees to obtain all permits before starting work in the City of Minneapolis with the exception of emergency repairs. Permits for emergency repairs must be obtained within 48 hours of the start of work.

c. the licensee agrees to correct all work listed in violation orders by the due date given by City Inspections. If work cannot be completed by the due date, the licensee agrees to notify the inspector and seek an extension.

d. the licensee agrees to request a final inspection within 24 hours of completion of work.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the Tobacco Dealer License held by Golden Leaf Ltd, 3001 Hennepin Av (Calhoun Square), and having received Findings of Fact, Conclusions and Recommendations arising from a Technical Advisory Committee (TAC) hearing for selling tobacco products to minors, and displaying single cigarette packs for sale in the store, now recommends adoption of the following recommendations, as more fully set forth in said Findings, on file in the Office of the City Clerk and made a part of this report by reference:

a. the tobacco compliance check, dated January 18, 2001 will be removed from Golden Leaf's tobacco violation record.

b. as directed by the Committee, the licensee shall pay an administrative fine of \$600 and their Tobacco Dealer License will be suspended for a period of seven consecutive days, with said suspension to begin on November 4, 2001 at 8:00 a.m. and end on November 11, 2001 at 8:00 a.m.

c. the licensee will continue to advise employees of the importance of tobacco compliance violations, reiterate the severity of tobacco compliance violations to all employees, and that they be more careful and always ask customers for proper identification before a tobacco sale is made.

d. the licensee will use the newly purchased ID scanner in order to notify the sales clerk of the age of the customer.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having received from Public Strategies Group the Community Crime Prevention/SAFE Analysis entitled "Proposal for a New Direction for the Minneapolis Police Department's Community Crime Prevention/Safety for Everyone (CCP/SAFE) Program", now recommends that the report be sent forward to the Police Department with a direction to carry out the recommendations, with a report back to Committee as soon as possible.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the property located at 5239 6th St N, legally described as Lot 6, Block 1, Bryant Avenue Addition to Minneapolis (PID #12-118-21-12-0028) which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, along with a recommendation to approve the

removal and razing of the above referenced building thereby eliminating the nuisance condition, now recommends that said property be sent forward without recommendation.

Johnson moved that the report be postponed. Seconded.

Adopted upon a voice vote.

PS&RS - Your Committee, having under consideration the property located at 3700 Stevens Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having received a request by the owner to raze said property, now recommends that the proper City Officers be authorized to raze said property legally described as Lot 1, Block 1, Higman Ridgway & Cos Addition to Minneapolis (PID #03-028-24-43-0101), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the property located at 1419 Washington Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to raze said property legally described as Lot 4, Block 20, Bassett Moore and Case Addition to Minneapolis (PID #15-029-24-34-0038), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Your Committee further recommends that this action be transmitted to the Board of Commissioners of the Minneapolis Community Development Agency (MCDA).

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

PS&RS - Your Committee, having under consideration the property located at 400 31st Av N which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, and having received a request by the owner to raze said property, now recommends that the proper City Officers be authorized to raze said property legally described as Block 7, E 41 25/100 feet of Lots 5 and 6, Morrisons Addition to North Minneapolis (PID #10-029-24-32-0036), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee recommends that the proper City Officers be authorized to accept a grant of \$20,000 from the Hawthorne Neighborhood Revitalization Program to support the Lowry/Emerson Police Substation until December 31, 2001.

Your Committee further recommends passage of the accompanying Resolution appropriating \$20,000 to the Police Agency to reflect receipt of said grant funds.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.
Passed October 26, 2001.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

RESOLUTION 2001R-457
By Biernat and Campbell

Amending The 2001 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:
That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Agency in the Grants - Other Fund (060-400-B135) by \$20,000 and increasing the Revenue Source (060-400-B135 - Source 3225) by \$20,000.
Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001. J. Cherryhomes, President of Council.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the Nicollet Mall improvement, maintenance and operation assessments for payable 2002 and all written and oral objections and statements regarding the assessments and having held a public hearing on October 18, 2001 in accordance with the provisions of Minnesota Statutes, Section 430.102, now recommends that the proposed assessments in the amount of \$1,124,705 be adopted and levied, that the assessment roll filed by the City Engineer with the City Clerk (Petn No 267385) be adopted and that the City Clerk be directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW – Your Committee recommends passage and summary publication of the accompanying Resolution adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 267385.

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Resolution 2001R-458, adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on certain properties, was passed October 26, 2001 by the City Council and approved November 1, 2001 by the Mayor. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2001R-458

By Mead

Adopting the assessments, levying the assessments and adopting the assessment rolls for water and sewer service line repairs or replacements on the lists of properties set forth in Petn No 267385.

Whereas, a public hearing was held on October 18, 2001 in accordance with Section 509.465 of the Minneapolis Code of Ordinances to consider the proposed assessments as shown on the proposed assessment rolls on file in the Office of the City Clerk and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed assessment for the property identified as 2732 Cedar Av S, Property ID No. 35-029-24-41-0112 be reduced by \$1430.00 from \$2860.00 to \$1430.00.

That the proposed assessments against the affected properties on the Water Service Line Repair List, dated October 16, 2001 set forth in Petn No 267385 in the total amount of \$533,520.85 as shown on the proposed assessment roll on file in the Office of the City Clerk and revised to \$532,090.85 as a result of the above reduction, be and hereby are adopted and levied.

That the proposed assessment for the property identified as 707 Givens Lane N, Property ID No. 16-029-24-41-0138 in the amount of \$5,170.00 be waived.

That the proposed assessments against the affected properties on the Sewer Service Line Repair List, dated October 16, 2001 set forth in Petn No 267385 in the total amount of \$122,336.31 as shown on the proposed assessment roll on file in the Office of the City clerk and revised to \$177,166.31 as a result of the above reduction, be and hereby are adopted and levied.

Be It Further Resolved that the assessments be collected in five (5) successive equal annual principal installments beginning on the 2002 real estate tax statements with interest charged at the rate of 8%.

Be It Further Resolved that the assessment rolls as prepared by the City Engineer be and hereby are adopted and that the City Clerk is hereby directed to transmit certified copies of said assessment rolls to the Hennepin County Auditor.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001. J. Cherryhomes, President of Council.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk

T&PW - Your Committee, having under consideration the Seward Neighborhood Transportation Plan that calls for restriping of E Franklin Av to allow one travel lane in each direction to improve pedestrian and vehicular traffic on that street and having been informed that changes in parking restrictions are required on E Franklin Av between 27th Av S and 31st Av S in order to implement the restriping plan, now recommends passage and summary publication of the accompanying ordinances amending, repealing and establishing certain parking zones in said area.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-122 and Ordinance 2001-Or-123 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Section 478.590 and Section 478.730, amending, repealing and establishing parking restrictions in the area of E Franklin Av between 27th Av S and 31st Av S in coordination with the Seward Neighborhood

Transportation Plan, was passed October 26, 2001 by the City Council and approved November 1, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2001-Or-122
By Mead
1st & 2nd Readings: 10/26/2001

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.590 of the above-entitled ordinance be amended by adding thereto the following No Parking Zones:

No. 6793 - Sly side of E Franklin Av beg at the Ely curb line of 28th Av S and thence extending 275 feet Ely (includes driveways) (No Parking Anytime);

No. 6794 - Nly side of E Franklin Av beg 308 feet Wly of the point of the intersection of the Wly outside curb line of Riverside Av and the Nly curb line of E Franklin Av and thence 114 feet Wly (includes driveways) (No Parking Anytime, Bus Stop).

Section 2. That Section 478.590 of the above-entitled ordinance be amended to change the following No Parking Zones to read:

No. 3088 - Sly side of E Franklin Av between the Ely curb line of 30th Av and the Wly curb line of 31st Aves S (No Parking, 7AM-9AM and ~~4pm-6pm~~ 3:30PM-6:30PM, Monday through Friday);

No. 2826 - Nly side of E Franklin Av beg ~~111 feet Wly from~~ at the point of the intersection of the Wly outside curb line of Riverside Av and the Nly curb line of E Franklin Av and thence ~~56 feet~~ 308 feet Wly (No Parking Anytime, Traffic Clearance).

Section 3. That Section 478.730 of the above-entitled ordinance be amended to change the following Loading Zones to read:

No. 1427 - Nly side of E Franklin Av beg ~~at the Wly side of 28th Av S~~ 422 feet Wly of the point of the intersection of the Wly outside curb line of Riverside Av and the Nly curb line of E Franklin Av, and thence extending ~~270~~ 203 feet Wly (includes alley) (One Hour Parking, 8AM-6PM).

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001. J. Cherryhomes, President of Council.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2001-Or-123
By Mead
1st & 2nd Readings: 10/26/2001

Repealing a portion of Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the following Loading Zone contained in Section 478.730 of the above-entitled ordinance be repealed:

No. 2692 - Sly side of E Franklin Av beg 100' Ely of the Ely curb line of 28th Av S and thence extending 136' Ely (includes driveways) (94 ft paid) (30 Minute Limit, 8AM-10PM).

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001. J. Cherryhomes, President of Council.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee recommends passage and summary publication of the accompanying ordinance establishing new snow emergency routes, as recommended by the City Engineer.

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-124 amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Section 478.990, establishing new snow emergency routes, was passed October 26, 2001 by the City Council and approved November 1, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2001-Or-124
By Mead
1st & 2nd Readings: 10/26/2001

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.990 of the above-entitled ordinance be amended by adding thereto the following Snow Emergency Routes:

E 54th St between Highway 55 and Minnehaha Av (Snow Emergency Route);
11th Av S between 2nd St S and W River Road (Snow Emergency Route);
5th Av S between Washington Av S and 2nd St S (Snow Emergency Route).

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001. J. Cherryhomes, President of Council.
Approved November 1, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration the M4 Equipment Information System that has been developed to manage the City's fleet operations, now recommends that the proper City officers be authorized to amend City Contract #11070 with Control Software, Inc. Ltd (now Maximus), provider of the M4 Equipment Information System, by increasing said contract in an amount not to exceed \$46,000, for a new contract total not to exceed \$787,656, to provide for scope changes to the original agreement, payable from the existing project budget.

Adopted. Yeas, 11; Nays none.
Absent - Colvin Roy.
Passed October 26, 2001.
Approved October 26, 2001. S. Sayles Belton, Mayor.
Attest: M. Keefe, City Clerk.
(Published October 30, 2001)

T&PW - Your Committee, having under consideration the Water Works 34 Million Gallon Hilltop Reservoir Project, now recommends that the proper City officers be authorized to amend the Contract #14270 with Knutson Construction Services to include the following costs:

a) Corrective earthwork of the final subgrade surface to support the reservoir structure at a cost of \$74,250;

b) Security services providing direction of local traffic and other project-related needs during construction at a cost of \$10,204.

The contract increase shall not exceed \$84,454 and is payable from the existing project budget (7400-950-9515).

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW - Your Committee, having under consideration implementation of the Water Works SCADA System, now recommends that the proper City officers be authorized to amend Contract #98-13127 with EMA Services, Inc. to provide the final expanded change management services necessary to complete the program for design and implementation of organizational changes for the system, as part of the system implementation. Said amendment will increase the contract by \$699,200, for a new total contract cost not to exceed \$4,016,820, payable from the existing project budget.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved October 26, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 30, 2001)

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration a request to add antennae to those currently located on the Leamington Municipal Parking Ramp, now recommends that the proper City officers be authorized to amend City Agreement #015230 with Nextel West Corporation (dba Nextel Communications) to allow the addition of three antennae to the nine currently located on the ramp. The rent paid to the City for use of the facilities will increase annually by \$5,600.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee, having under consideration the Farmer's Market Roof Replacement Project and having been informed that the Central Minnesota Vegetable Growers have contributed \$15,000 towards the cost of the project, now recommends passage of the accompanying resolution increasing the project appropriation and revenue by \$15,000 to reflect the receipt of said funds.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

RESOLUTION 2001R-459
By Mead & Campbell

Amending The 2001 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the PW - General Services Capital Agency in the Permanent Improvement Projects Fund (4100-923-9242-8015) by \$15,000 and increasing the revenue source (4100-923-9242 - Source 3720) by \$15,000.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001. J. Cherryhomes, President of Council.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids in accordance with City specifications (Petr No 267387):

a) OP #5712, low bid submitted by Lametti & Sons, Inc. for an estimated expenditure of \$160,000 to accomplish cured in place pipe lining at certain locations;

b) OP #5726, low bid of Belair Excavating for an estimated expenditure of \$200,000 for the disposal of excavated soils; and

c) OP #5729, bid of Mooney & Company, Inc. in the amount of \$48,480 to accomplish decorative pole lighting on the Nicollet Mall.

Your Committee further recommends that the proper City Officers be authorized to execute contracts for the above projects and/or services, in accordance with City specifications.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee recommends approval of the *City of Minneapolis Space and Asset Management Policy and Procedures Manual*, as more fully set forth in Petr No 267396 on file in the Office of the City Clerk.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends settlement of Case #00-CIV-1806 RHK/SRN and Case #00-CIV-1807 RHK/SRN, at the combined settlement amount of \$17,500, payable to Chad Carlson, Paul Dawson, and their attorney, David G. Johnson, from the Self Insurance Fund (6900-150-1500-4000).

Your Committee further recommends that the City Attorney be authorized to execute any documents necessary to effectuate settlement and release of claims.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends settlement of past sales tax due to the State of Minnesota, as full and final settlement of the matter of the *City of Minneapolis Animal Control vs. Commissioner of Revenue*, Tax Court File #7345-R, in the amount of \$1,500, plus interest, payable from the Licenses and Consumer Services Agency in the General Fund (0100-835-8395).

Your Committee further recommends that the City Attorney be authorized to execute any documents necessary to effectuate settlement and release of claims.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that a lawsuit filed against the City be settled and be payable to Sue Rheingans and Martin Lavelle, in the amount of \$28,663.70, payable from the Self Insurance Fund (6900-150-1500-6660).

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute change orders to the following contracts for additional work required on the Convention Center Expansion Project, increasing said contracts by the amounts indicated, payable from the Convention Center Site Agency in the Permanent Improvement Projects Fund (4100-975-9751):

a) Change Order #1 to Contract #15225 with Twin City Acoustics, Inc., increasing the contract by \$44,070, for a new contract total of \$1,237,970;

b) Change Order #10 to Contract #15236 with Harris Mechanical, increasing the contract by \$54,867, for a new contract total of \$17,075,649; and

c) Change Order #11 to Contract #15236 with Harris Mechanical, increasing the contract by \$75,703, for a new contract total of \$17,151,352.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved October 26, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 30, 2001)

W&M/Budget - Your Committee recommends that payment be authorized to the Greater Minneapolis Convention and Visitors Association (GMCVA) to accommodate the movement of a .6 Full Time Equivalent (FTE) sales staff position from the Convention Center to the GMCVA, as part of the ongoing restructuring efforts, said payment, in the amount of \$10,000, to cover the cost of said position from October 1, 2001 through the remainder of the year, payable from the Convention Center Operations Agency in the Convention Center Related Fund (0760-865-865G), with the understanding that said position will be included in the 2002 GMCVA budget.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends acceptance of the low bid received on OP #5724 (Petr No 267397.1), submitted by Swanson and Youngdale, Inc., in the amount of \$483,985, to accomplish interior painting at the Minneapolis Convention Center.

Your Committee further recommends that the proper City Officers be authorized to execute the required contract(s) for the above project and services, in accordance with City specifications.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a full, final and complete settlement agreement with Thomas Ghil to include past, present and future Workers' Compensation and employment claims, inclusive of the employee's resignation, in the amount of \$90,000, payable from the Workers' Compensation Agency in the Self Insurance Fund (6900-145-1451).

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to renew current Health Partners and UCare Minnesota Senior Plans and to replace Medica Senior Secure Plan with Physicians Health Plan (PHP) Plus Medicare Senior Plan, effective January 1, 2002, with full premiums to be paid by the retiree.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of Ramin Hakimi (Vac #1295) to vacate a portion of the "L" shaped alley bounded by 1st and Stevens Aves S and 28th and 29th Sts E to permit a future addition to Oscar Auto Body adjacent to the west side of the alley, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 267402 and to approve said vacation.

Your Committee further recommends passage and summary publication of the accompanying resolution vacating said alley.

McDonald moved that consideration of the above report be postponed. Seconded.

Adopted upon a voice vote.

Z&P - Your Committee, having under consideration the application of the Minneapolis Urban League (BZZ-332) to rezone property at 3805, 3809-3813 4th Av S from the C1 and R1A districts to the OR1 district to permit a one-story, 7,400 sq ft office building, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 267402 and to approve said application. (64470).

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-125, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3805, 3809 and 3813 4th Av S to the OR1 district, was passed October 26, 2001 by the City Council and approved November 1, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2001-Or-125
By McDonald
1st & 2nd Readings: 10/26/2001

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 29 and 30 lying E of the W 49-2/10 ft thereof and that part of the W 49-2/10 ft of said lot 29 lying S of the N (partial description) of Bradburys Addition to Minneapolis (3805 4th Av S - Plate 31) to the OR1 District;

B. Lot 28 of Bradburys Addition to Minneapolis (3809 4th Av S - Plate 31) to the OR1 District; and

C. Lot 27 of Bradburys Addition to Minneapolis (3813 4th Av S - Plate 31) to the OR1 District.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001. J. Cherryhomes, President of Council.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P—Your Committee, having under consideration the application of Brighton Development (BZZ-315) to rezone property at 3212 4th St SE from the C1 and R1A districts to the R3 district to permit a ten-unit residential townhome development, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 267402 and to approve the rezoning application from C1 and R1A to R3 only for the property to be retained for the townhome development. (64471).

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-126, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 3212 4th St SE to the R3 district, was passed October 26, 2001 by the City Council and approved November 1, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2001-Or-126
By McDonald
1st & 2nd Readings: 10/26/2001

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. That part of Lots 2 and 3, Block 1, FRASER ADDITION, according to the recorded plat thereof, together with that part of Lot 1, Block 1, of said FRASER ADDITION lying easterly of the following described line: Beginning at a point on the north line of said Lot 1 a distance of 55.00 feet east from the northwest corner of said Lot 1; thence southerly, parallel with the west line of said Lot 1 and its southerly extension to the south line of said Lot 1 and there said line terminates (in the vicinity of 3212 4th St SE - Plate 22) to the R3 District.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001. J. Cherryhomes, President of Council.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Mary Jamin Maguire from the decision of the Planning Commission approving applications of American Iron and Supply for a site plan review permit, five conditional use permits, a variance and a sign adjustment, all to permit a metal shredder at 2800 Pacific St N (BZZ-275), and appellant specifically seeking additional time for the Department of Natural Resources (DNR) to consider the implications of the Critical Area Plan and for citizens to discuss issues with the DNR and expressing concern that the Planning Commission's public hearing was not properly noticed; and your Committee having conducted a public hearing thereon, now recommends that the appeal be denied and the decision of the Planning Commission be upheld, and that the findings developed by the Planning Department staff and set forth in Petn No 267401 be adopted.

Your Committee further recommends that the Findings of Fact prepared by the City Attorney and on file in the Office of the City Clerk be made a part of this report by reference.

Mead moved that the report be amended by deleting the sign adjustment. Seconded.

Lost. Yeas, 5; Nays, 6 as follows:

Yeas - Johnson, Ostrow, Biernat, Niland, Mead.

Nays - Lane, Thurber, Campbell, Goodman, McDonald, Cherryhomes.

Absent - Colvin Roy.

The report was adopted.

Yeas, 5; Nays, 4 as follows:

Yeas - Lane, Thurber, Ostrow, Goodman, McDonald.

Nays - Johnson, Biernat, Niland, Mead.

Declining to vote - Campbell, Cherryhomes.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Ed Hopkins on behalf of Minneapolis Eagle from the decision of the Planning Commission approving with conditions a site plan review permit for expansion of an existing bar/restaurant at 515 Washington Av S (BZZ-263), specifically appealing condition "2" requiring that 30% of the expansion building's north façade on Washington Av

S shall include windows and that the other facades will include at least one window each, and having conducted a public hearing thereon, now recommends that said appeal be denied and the decision of the Planning Commission be upheld, and that the findings set forth in Petn No 267403 be adopted.

Goodman moved that the report be amended by deleting everything after "now recommends" and inserting the following language: "that said appeal be granted and that condition "2" be amended to require that 10% of the expansion building's north façade on Washington Av S shall include windows and doors and that no windows or doors shall be required in the other two facades, notwithstanding the decision of the Planning Commission. (Petr No 267403)" Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted.

Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Kevin Tharp and Franklin Avenue Development Company from the decision of the Planning Commission approving the application of Midwest Market & Halaal Meats for a site plan review permit for an ethnic grocery store at 1920 Portland Av S (BZZ-259), and having conducted a public hearing thereon, now recommends that the appeal be denied and the decision of the Planning Commission be upheld, and that the findings set forth in Petn No 267403 be adopted.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Donald Groslund from the decision of the Board of Adjustment denying his application for variance to increase the maximum permitted garage floor area from 676 sq ft to 1280 sq ft to allow a 640 sq ft addition to an existing 640 sq ft detached garage at 2823 Dupont Av N (BZZ-265), and having conducted a public hearing thereon, now recommends that the appeal be granted and that a variance to increase the maximum garage floor area to 1040 sq ft to allow a 400 sq ft addition to the existing garage be approved, notwithstanding the decision of the Board of Adjustment. (Petr No 267400)

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Denise Waldo from the decision of the Board of Adjustment denying her request for variance to increase the maximum permitted fence height from 6 ft up to 8 ft in the rear yard at 1409 E River Parkway (BZZ-271), and having conducted a public hearing thereon, now recommends that the appeal be granted and that a variance to increase the fence height to 8 ft in the rear yard be approved, notwithstanding the decision of the Board of Adjustment. (Petr No 267400)

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P - Your Committee, having under consideration the appeal of Stephen A Frenz from the decision of the Heritage Preservation Commission (HPC) approving with conditions the application of Arts Avenues Properties, Inc for a Certificate of Appropriateness to replace the existing windows in the apartment buildings at 214 and 220 E 19th St in the Stevens Sq Historic District, and having conducted a public hearing thereon, now recommends that the appeal be granted, and that condition "2" be amended to read, "Bronze is the approved color for the window frames and sashes," and that condition "3" be amended to read, "The windows must have interior muntins," notwithstanding the decision of the HPC. (Petrn No 267399)

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Z&P – Your Committee, having under consideration the application of Bahman Razmpour, d/b/a Cintias of Mexico Restaurant & Bar (P-51) to rezone the church parking lot at 6015 Blaisdell Av S from the R1A to the C1 district to provide parking for a 3,000 sq ft addition to Cintia's at 6042-50 Nicollet Av S, now concurs in the recommendation of the Planning Commission to adopt the findings set forth in Petn No 267402 and to approve said application. (64472).

Your Committee further recommends passage and summary publication of the accompanying ordinance amending the Zoning Code.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Ordinance 2001-Or-127, amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 6015 Blaisdell Av S to the C1 district, was passed October 26, 2001 by the City Council and approved November 1, 2001 by the Mayor. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2001-Or-127
By McDonald
1st & 2nd Readings: 10/26/2001

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

A. Lots 31 to 38, Block 1, JF Lyons 1st Addition (6015 Blaisdell Av S - Plate 37) to the C1 District.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

MOTIONS

Campbell's motion that regular payrolls of City employees under Council jurisdiction for the month of November, 2001 be approved and ordered paid was deleted from the agenda.

Niland moved to waive the 30-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicants Shelley Hawes and Jay Kieffer for Easy Riders of Minneapolis for a business district block event to be held Saturday, October 27, 2001, between the hours of noon and 10:00 p.m. on 19th Avenue South between Cedar Avenue and the Franklin Avenue frontage road, having approval granted by Public Works and the Police departments to grant said waiver. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Lane moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Mary Beth Stotts for a residential block event to be held Sunday, October 28, 2001, between the hours of 12:00 noon and 8:00 p.m. on Girard Av S between Minnehaha Parkway and 53rd Street, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

McDonald moved to waive the 14-day filing time as required by Chapter 455 of the Minneapolis Code of Ordinances for applicant Heather Martens for a residential block event to be held Saturday, October 27, 2001, between the hours of 10:00 a.m. and 1:00 p.m. on Harriet Av S between West 39th and 40th Streets, having approval granted by the Public Works Department to grant said waiver. Seconded.

Adopted. Yeas, 11; Nays none.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved November 1, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

Niland moved to introduce the subject matter of an ordinance amending Title 14, Chapter 360 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending Sections relating to proximity to schools and churches).

Campbell moved to introduce the subject matter of an ordinance amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending notification requirements for new license applications).

Campbell moved to introduce the subject matter of an ordinance amending Title 14, Chapter 362 of the Minneapolis Code of Ordinances relating to *Liquor and Beer: Liquor Licenses*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (Amending sections relating to off-street parking requirements for on-sale liquor licenses).

Campbell moved to introduce the subject matter of an ordinance amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, which was given its first reading and referred to the Zoning & Planning Committee (Amending section relating to off-street parking requirements in the Pedestrian Oriented Overlay District in the Stadium Village area).

Biernat moved to introduce the subject matter of an ordinance amending Title 13, Chapter 341 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: Taxicabs*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee for a public hearing to be held Wednesday, October 31, 2001 at 1:00 p.m. or shortly thereafter (Amending sections to consider proposals to increase availability of wheelchair accessible taxicab service in the City).

Unfinished Business

The Committee Inc, 701 1st Av N: Deny special permit to install advertising sign. (Postponed 8/24/2001, Z&P)

Raze Property: Sent forward without recommendation 1911 Penn Av N. (Postponed 9/14/2001)

Raze Property: Sent forward without recommendation 1111 17th Av N. (Postponed 9/28/2001, PS&RS)

Contract with Minneapolis Refuse, Inc. (MRI): Approve staff recommendation to execute a new five-year contract with MRI, covering one-half the city's residential units, commencing on January 1, 2002, and establishing fees and annual percentage increases. (Postponed 9/28/2001 pending receipt of the report called for in the Ways & Means/Budget Committee recommendation, T&PW)

Minneapolis Stone Arch Partners, 600 & 625 Main St SE, 106 6th Av SE: Passage of Resolutions vacating 8th Av SE north of Main St and vacating Main St SE between 6th & 8th Avs; Authorize summary publication.

By unanimous consent, the above reports under Unfinished Business were continued to be postponed.

New Business

McDonald introduced an ordinance amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances relating to *Heritage Preservation: Heritage Preservation Regulations*, which was given its first reading and referred to the Zoning & Planning Committee (Amending Section 599.122, Subd. (c) relating to membership).

Campbell moved that the proper City officers be authorized to enter into agreements, transfer funds and pay such fees as may be necessary to secure a letter of credit to provide security for the benefit of the Plaintiffs/Respondents pending resolution of all appeals in the matters of Siegel, et al vs. City of Minneapolis and MCDA, Hennepin County District Court File No. 94-017966; Appellate Court File No: C4-01-1683; and Johnson vs. City of Minneapolis and MCDA, Hennepin County District Court File No. 94-017968; Appellate Court File No: C7-01-1676. Seconded.

Adopted. Yeas, 8; Nays none.

Absent - Thurber, Niland, Colvin Roy, McDonald.

Passed October 26, 2001.

Approved October 26, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 30, 2001)

The City Council recessed at 11:25 a.m. to Room 315 City Hall immediately following the Minneapolis Community Development Agency Board of Commissioners for consideration of the following lawsuits:

- a) Ronald Harry Stover vs. City of Minneapolis, et al.
- b) Lawrence Miles Sr., on behalf of Lawrence Miles Jr., a minor child, vs. City of Minneapolis, et al.
- c) Police Officers' Federation, et al. vs. City of Minneapolis, et al.

d) Siegel, et al vs. City of Minneapolis and MCDA

e) Johnson vs. City of Minneapolis and MCDA

The City Council reconvened at 11:44 a.m. in Room 315 City Hall.

President Cherryhomes in the Chair.

Present - Council Members Lane, Johnson, Ostrow, Campbell, Biernat, Goodman, Mead, Cherryhomes.

Absent: Thurber, Niland, Colvin Roy, McDonald.

Also present - Jay Heffern, City Attorney; Peter Ginder, Jim Moore and Susan Walgrave, Assistant City Attorneys; Colleen Moriarty, Mayor's office; Steve Cramer, MCDA Executive Director (Out at 11:28); George Caldwell, Affirmative Action (Out at 11:38); Rick Schultz, Deputy Police Chief; Merry Keefe, City Clerk; Pat Kelly, Council Member Assistant; Jan Hrcir, City Clerk's office.

Jay Heffern advised that, upon the proper motion, this body may close this meeting pursuant to the Open Meeting Law for the express purpose of discussing the above-mentioned lawsuits.

Jim Moore summarized the lawsuits involving Siegel, et al vs. City of Minneapolis and MCDA and Johnson vs. City of Minneapolis and MCDA from 11:18 to 11:28 a.m.

Peter Ginder summarized the lawsuit involving the Police Officers' Federation, et al. vs. City of Minneapolis, et al. from 11:28 to 11:38 a.m.

Susan Walgrave summarized the Lawrence Miles Sr., on behalf of Lawrence Miles Jr., a minor child, vs. City of Minneapolis, et al. lawsuit from 11:38 to 11:45 a.m.

Susan Walgrave summarized the Ronald Harry Stover vs. City of Minneapolis, et al. lawsuit from 11:45 to 12:00 p.m.

The closed portion of this meeting was tape recorded with the tape on file in the office of the City Clerk.

Campbell moved that the meeting be opened at 12:00 p.m. Seconded.

Adopted upon a voice vote.

Campbell moved to authorize a loan for \$980,000 in federal Empowerment Zone funds to Bassett Creek Partners, L.P., as recommended by the Empowerment Zone Governance Board, to be used for the Near North Redevelopment, payable from 0300-840-8460, and that the proper City officers be authorized to execute a contract with Bassett Creek Partners, L.P. setting forth the terms and conditions of the agreement. (Petn No. 267405) Seconded.

Cherryhomes moved that the above-mentioned petition be amended by deleting the following from the Empowerment Zone Governance Board Meeting Minutes of October 18, 2001:

"2) A commitment from the U.S. Department of Housing and Urban Development (HUD) for "take out" construction financing;"

Seconded.

Adopted upon a voice vote.

The motion, with the petition amended, was adopted.

Yeas, 10; Nays none.

Declining to Vote - Mead.

Absent - Colvin Roy.

Passed October 26, 2001.

Approved October 26, 2001. S. Sayles Belton, Mayor.

Attest: M. Keefe, City Clerk.

(Published October 30, 2001)

Campbell moved approval that the City Attorney's office be authorized to settle the lawsuit of *Police Officers Federation of Minneapolis, et al. vs. City of Minneapolis, et al.*, United States District Court File No. 99-1048 (DWF/HAB); United States Court of Appeals for the Eighth Circuit File No. 01-3095 on the following terms:

Defendants will pay each individually-named plaintiff \$5,000;

The City and Plaintiffs will agree that if at a future point two or more persons having the promotional date of March 8, 1998, in the rank of sergeant are directly competing against each other for any department assignment or any other benefits that is dependent upon or related to seniority as a sergeant in the department, all persons seeking that assignment or benefit shall be deemed to have the same seniority and the benefit or assignment shall be decided by drawing straws. This procedure shall not apply to layoff;

The City will backdate the promotion of Angela Dodge to sergeant to June 13, 1999. In the event that she seeks an assignment or benefit that is also sought by a sergeant who is promoted on June 13, 1999, their seniority shall be deemed to be equal and the assignment or benefits shall be decided by drawing straws. This procedure shall not apply to layoff;

Angela Dodge will receive back pay as a sergeant to the date of June 13, 1999;

The City Defendants will pay Plaintiff Minneapolis Federation of Police the amount of \$70,000 as and for attorneys' fees and costs incurred in the matter.

The City agrees that it will not use the 1982 Civil Service Commission findings relating to discrimination in the Police Department as the basis for future use of expanded certification and that the Defendants will make a new analysis of discriminatory practices and/or any other constitutionally recognized reason for the use of expanded certification in hiring and/or promoting in the Minneapolis Police Department before expanded certification is implemented in the department.

All funds payable under the settlement are payable from Fund/Org. 690 150 1500 8150.

The City Attorney's office is authorized to execute any document or agreement necessary to accomplish the terms of this settlement.

Seconded.

Adopted. Yeas - 7; Nays none.

Declining to Vote - Biernat.

Absent - Thurber, Niland, Colvin Roy, McDonald.

By unanimous consent, the meeting was adjourned to Thursday, November 8, 2001, at 1:00 p.m. at the Minneapolis Public Library, Heritage Hall, 300 Nicollet Mall, for an adjourned City Council session to hear the Mayor's Budget Address.

MERRY KEEFE,
City Clerk.